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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,730	05/03/2005	Nicolaas Lambert	NL 021075	6084
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EXAMINER				
SHEN, KEZHEN				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/533,730

**Applicant(s)**

LAMBERT ET AL.

**Examiner**

Kexhen Shen

**Art Unit**

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 6, 9, 12-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Roth et al. 5,418,764.

Regarding claim 1, Roth et al. teach a record carrier comprising an area for storing data (Figs. 1a-1d), the area comprising a pattern of tracks (4 of Figs. 1c-1d) for storing the data in the form of marks (Col 3 Lines 49-50), the record carrier adhering to a pre-defined, standardized condition with respect to a physical parameter, characterized in that the record carrier comprises parameter information (Col 5 Line 40-60), which parameter information is of a higher precision than the precision of the physical parameter mentioned in the pre-defined, standardized condition (Figs. 4 and 5, Col 5 Line 40 – Col 6 Line 63).

Regarding claim 3, Roth et al. teach a record carrier according to claim 1, characterized in that the physical parameter is the track pitch of the record carrier (Fig. 5, Col 6 Lines 30-54).

Regarding claim 6, Roth et al. teach a record carrier according to claim 1, characterized in that the physical parameter is the channel bit length (Fig. 2, Col 4 Lines 44-64).

Regarding claim 9, Roth et al. teach a record carrier according to claim 1, characterized in that the physical parameter is the inner radius of the record carrier (Fig. 4, Col 5 Lines 40-60).

Regarding claim 12, Roth et al. teach a record carrier according to claim 1, characterized in that the pattern of substantial parallel tracks exhibits a continuous sinusoidal deviation of the track from the average centerline (6), a so-called wobble (4.2), the parameter information being stored in the wobble (Fig. 1c-1d, Col 2 Lines 17-25).

Regarding claim 13, Roth et al. teach a record carrier according to claim 1, characterized in that the pattern of substantial parallel tracks comprises grooves and lands (4 of Figs. 1a-1d, Col 3 Lines 48-49), the grooves being wobbled guidance tracks (Figs. 1c-1d), the lands being the areas between the grooves (Fig. 1b), the parameter information being stored in pits embossed on the lands, so-called pre-pits (Col 4 Lines 6-25).

Regarding claim 14, Roth et al. teach a record carrier according to claim 1, characterized in that the parameter information is stored in a pre-defined data field on the record carrier (Col 5 Line 40 – Col 6 Line 63).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roth et al. 5,418,764 as applied to claim 1 above, and further in view of Ito et al. 5,608,717.

Regarding claim 2, Roth et al. fail to teach a record carrier according to claim 1, characterized in that the parameter information is to be used for assisting writing a visible label on the record carrier.

However, Ito et al. does. Ito et al. teach the forming of a character/graphic on a CD-ROM with the assistance of parameter data (14 of Fig. 1, Col 10 Line 24 – Col 11 Line 29). Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of the record carrier as taught by Roth et al. with the teachings of writing a label on the record carrier with parameter information as taught by Ito et al. as a whole for the benefit of identifying illegal duplication of CD-ROMs (Ito et al. Col 10 Lines 50-56).

Claims 4, 7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roth et al. 5,418,764.

Regarding claim 4, Roth et al. fail to teach a record carrier according to claim 3, characterized in that the average track pitch, according to the pre-defined, standardized

condition with respect to the track pitch, when expressed in micrometer, is expressed in two decimals, and that the information on the track pitch stored on the record carrier, when expressed in micrometer, is indicated in at least three decimals.

However, it would have been obvious through routine experimentation and optimization in the absence of criticality to use two decimals to display data regarding the pre-defined information and to use three decimals to store data regarding the pre-defined information since the applicant has not disclosed that using two or three decimals solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with the information displayed by the default number of decimals.

Regarding claim 7, Roth et al. fail to teach a record carrier according to claim 6, characterized in that the average channel bit length, according to the pre-defined, standardized condition with respect to the channel bit length, when expressed in nanometer, is expressed in one decimal, and that the information on the channel bit length stored on the record carrier, when expressed in nanometer, is indicated in at least two decimals.

However, it would have been obvious through routine experimentation and optimization in the absence of criticality to use two decimals to display data regarding the pre-defined information and to use three decimals to store data regarding the pre-defined information since the applicant has not disclosed that using two or three decimals solves any stated problem or is for any particular purpose and it appears that

the invention would perform equally well with the information displayed by the default number of decimals.

Regarding claim 10, Roth et al. teach a record carrier according to claim 9, characterized in that the inner radius, according to the pre-defined, standardized condition with respect to the inner radius, when expressed in millimeter, is expressed in one decimal, and that the information on the inner radius stored on the record carrier, when expressed in millimeter, is indicated in at least two decimals.

However, it would have been obvious through routine experimentation and optimization in the absence of criticality to use two decimals to display data regarding the pre-defined information and to use three decimals to store data regarding the pre-defined information since the applicant has not disclosed that using two or three decimals solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with the information displayed by the default number of decimals.

Claims 5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roth et al. 5,418,764 and further in view of Levich et al. US 2002/010588 A1.

Regarding claim 5, Roth et al. fail to teach a record carrier according to claim 4, characterized in that the record carrier is a DVD-RW disc or a DVD+RW disc, and the average track pitch is 0.74  $\mu\text{m}$ .

However Levich et al. disclosed the standard physical parameters of a track pitch to be 0.74  $\mu\text{m}$  (Levich et al. [0005] Table 1). Therefore, it would have been obvious to

one of ordinary skill in the art to set the average track pitch to  $0.74\text{ }\mu\text{m}$  because the track pitch of a standard DVD is  $0.74\text{ }\mu\text{m}$  (Levich et al. [0005] Table 1). Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Roth et al. and Levich et al. to create the record carrier to be of the specific parameters because they are a set standard for DVDs.

Regarding claim 8, Roth et al. fail to teach a record carrier according to claim 7, characterized in that the record carrier is a DVD-RW disc or a DVD+RW disc, and the average channel bit length is  $133.3\text{ nm}$ .

However Levich et al. disclosed the standard physical parameters of a channel bit length to be  $133.3\text{ nm}$  (Levich et al. [0005] Table 1). Therefore, it would have been obvious to one of ordinary skill in the art to set the average channel bit length to  $133.3\text{ nm}$  because the channel bit length of a standard DVD is  $133.3\text{ nm}$  (Levich et al. [0005] Table 1). Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Roth et al. and Levich et al. to create the record carrier to be of the specific parameters because they are a set standard for DVDs.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roth et al. 5,418,764 and further in view of Iida et al. US 7,164,633 B2.

Regarding claim 11, Roth et al. teach a record carrier according to claim 10, characterized in that the inner radius is  $24.0\text{ mm}$  (Fig. 4, Col 5 Lines 61-68). Roth et al. fail to teach the record carrier is a DVD-RW disc or a DVD+RW disc.



However Iida et al. disclosed the use of DVD-RW or DVD+RW (Iida et al. Col 8 Lines 10-14). Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Roth et al. and Levich et al. as a whole to use a DVD-RW or DVD+RW disc to record data for the benefit of increasing storage density.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roth et al. 5,418,764 and further in view of Brollier US 2004/0052202 A1.

Regarding claim 15, Roth et al. fail to teach a record carrier according to claim 1, characterized in that the record carrier comprises a further area comprising an integrated circuit (7), the parameter information being stored in the integrated circuit.

However, Brollier does. Brollier teaches a disc with an integrated circuit storing data (22 of Fig. 1, [0045]). Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of the record carrier as taught by Roth et al. with the teachings of the integrated circuit on the optical disc as taught by Brollier as a whole for the benefit of preventing unauthorized copying or securing information on the disc (Brollier, [0045]).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kezhen Shen whose telephone number is (571) 270-1815. The examiner can normally be reached on Monday-Friday 10am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on (571) 272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kezhen Shen/  
Examiner, Art Unit 2627

/Joseph H. Feild/  
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